

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4327 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

G S R T C

Versus

K J SUTAR

Appearance:

MR HARDIK C RAWAL for Petitioner

NOTICE SERVED for Respondent No. 1

M/S PATEL ADVOCATES for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 01/09/2000

ORAL JUDGEMENT

This petition filed by the Gujarat State Road Transport Corporation is directed against the order passed by the Conciliation Officer rejecting the Corporation's application for approval of the order of termination passed by the petitioner-Corporation on the

ground that the respondent-workman had driven the S.T. bus rashly and negligently and caused death of one child. The Conciliation Officer, however, declined to grant the approval on the ground that the provisions of Section 33(2)(b) were not complied with by the Corporation while making the approval application.

2. While admitting the petition on 1.9.1987, this Court granted ad-interim stay of the order of the Conciliation Officer. The said ad-interim relief was extended from time to time and ultimately on 17.12.1990 the ad-interim relief was confirmed till further orders.

3. The learned counsel for the petitioner-Corporation, however, states that since the respondent-workman would have been required to be paid idle wages under Section 17B of the Industrial Disputes Act, 1947, the petitioner Corporation reinstated the respondent-workman on 26.7.1990 and the respondent workman ultimately retired on superannuation on 30.9.1999.

4. In view of the above facts, this Court is not inclined to exercise its extraordinary jurisdiction under Articles 226 and 227 of the Constitution for interfering with the impugned order, but the Court makes it clear that this may not be treated as approval of the impugned order on merits.

Subject to the above observations, the petition is dismissed. Rule is discharged.

September 1, 2000 (M.S. Shah, J.)
sundar/-